



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/621,407  | 07/21/2000  | William J. Domino    | 044368.0275         | 4082             |
| 20594   | 7590        | 03/24/2004           | EXAMINER            |                  |
| CHRISTOPHER J. ROURK<br>AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.<br>P O BOX 688<br>DALLAS, TX 75313-0688 |             |                      | MEHRPOUR, NAGHMEH   |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2686                |                  |
| DATE MAILED: 03/24/2004   |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                              |                  |  |
|------------------------------|------------------------------|------------------|--|
| <b>Office Action Summary</b> | Application No.              | Applicant(s)     |  |
|                              | 09/621,407                   | CHRISTOHER       |  |
|                              | Examiner<br>Naghmeh Mehrpour | Art Unit<br>2686 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 3/9/04.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-22 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-22 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)                    4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)                    5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ .                    6) Other: \_\_\_\_\_ .

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-8, 11-13, 19-20,** are rejected under 35 U.S.C. 102(e) as being anticipated by Koh et al. (US Patent Number 6,397,044 B1).

Regarding **claims 1, 11**, Koh teaches a system for transmitting and receiving data (see figure 2) comprising: a direct-conversion receiver 226 receiving a signal modulated on a carrier frequency signal (col 4 lines 32-41), the direct conversion receiver (col 4 lines 59-61), further comprising: one or more sub harmonic local oscillator (230 + 232) mixers 228 (col 4 lines 58-67, col 5 lines 1-3), a local oscillator 230 coupled to the direct conversion receiver (see figure 2, Rx VCO), the local oscillator 230 generating a signal having a frequency equal to a sub harmonic (phase shifter

232 creates sub harmonic) of the carrier frequency signal (col 5 lines 1-3), and a transmitter 30 coupled to the local oscillator 230 (see figure 2), **wherein the local oscillator 230 is the transmitter (see figure 2, numerals 242, 230, col 4 lines 20-31).**

Regarding **claims 2-3, 12-13**, Koh teaches a method wherein mixing 226 the carrier signal with the sub harmonic local oscillator 230 signal to extract the baseband signal further comprises: mixing the carrier signal with the sub harmonic local oscillator 230 signal to extract an in-phase signal 232, phase-shifting 232 the sub harmonic local oscillator 230 signal, and mixing 228 the carrier signal with the phase-shifted 232 sub harmonic local oscillator signal to extract a quadrature phase signal (see figure 2, numerals S1, S2, col 4 lines 32-54). Koh teaches a 90 deg splitter that shifting the phase 232 of the received signals (see figure 2).

Regarding **claims 4, 20**, Koh teaches a system for transmitting and receiving data comprising:

a low noise amplifier LNA 224 receiving a modulated incoming carrier signal having a carrier signal frequency (see figure 2);

a local oscillator 230 generating a signal having a sub harmonic frequency of the carrier signal (col 4 lines 19-30);

a first mixer 226 coupled to the low noise amplifier LNA 224 and the local oscillator 230 the first mixer 226 receiving the modulated incoming carrier signal and generating an in-phase incoming data S1 signal (S1, col 4 lines 32-49);

a second mixer 228 coupled to the low noise amplifier LNA 224 and the local oscillator 230, the second mixer 228 receiving the modulated incoming carrier signal and generating a quadrature phase incoming data signal ( S2, see figure 2, col 4 lines 4-24, lines 34-49);

a modulator 242 coupled to the local oscillator 230, the modulator receiving an outgoing data signal and modulating the outgoing data signal onto the local oscillator 230 signals to generate an outgoing modulated carrier signal (col 4 lines 32-54);

a transmit amplifier 136 coupled to the modulator 242, the transmit amplifier amplifying the outgoing modulated carrier signal to a transmission power level (col 4 lines 4-32).

Regarding **claims 5-6**, Koh teaches a system further comprising a frequency multiplier (PLL act as Multiplier) coupled between the local oscillator 31 and the transmitter (col 5 lines 20-40), wherein the frequency multiplier 33 increases the frequency of the oscillator to the frequency of the carrier signal  $f_c$  (col 5 lines 40-61).

Regarding **claim 7**, Koh teaches system wherein the transmitter comprises: a frequency multiplier coupled (phase locked loop 33 acts as a frequency multiplier (col 5 lines 31-32) to the local oscillator, and an in-phase/quadrature modulator coupled to the frequency multiplier 33, receiving an In-phase modulation input (RxI) signal and a quadrature modulator input (RxQ) signal (see figure 1, baseband processor and controller), and outputting a quadrature phase shift keyed signal fbb modulated 40 at the multiplied local oscillator frequency 31 (col 5 lines 10-40).

Regarding **claim 8**, Koh teaches system wherein the transmitter the transmitter comprises: an in-phase/quadrature modulator coupled to the local oscillator 22, receiving an In-phase modulation (RxI) input signal and a Quadrature modulation (Rx Q)input signal, and outputting a quadrature phase shift keyed signal modulated 40 at the local oscillator frequency, 22 and a frequency multiplier 33 coupled to the in phase/quadrature modulator (Tx Modulation) and multiplying the frequency of the quadrature phase shift keyed signal fbb (col 5 lines 24-40).

Regarding **claim 19**, Koh teaches a method wherein modulating the outgoing data signal with the sub harmonic local oscillator 22 signal comprises: modulating an outgoing in-phase data (Rx I) signal and an outgoing quadrature phase data (RxQ) signal with the sub harmonic local oscillator 22 signal at a sub harmonic modulation index to generate a modulated outgoing data signal, and multiplying the modulated outgoing data signal by an inverse sub harmonic to generate the outgoing data signal (col 5 lines 20-35).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 10, 14-15, 21-22,** are rejected under 35 U.S.C. 103(a) as being unpatentable over Koh et al (US Paten number 6,397,044 B1).

Regarding **claims 10, 14-15**, Koh teaches a system wherein the transmitter 30 comprises: a phase modulator 40 coupled to the local oscillator 22, where the local oscillator 22 is modulated by the modulator fbb, a voltage-controlled reference oscillator (vctxco) coupled to the phase modulator 40, where the voltage-controlled reference oscillator is modulated by the phase modulator 40, and a phase locked loop 33 coupled to the local oscillator 22 (through via mixer 32) in a feedback loop 33, the phase locked loop 33 further coupled to the voltage controlled oscillator 31 (col 4 lines 30-40). Koh does not disclose a frequency modulator. However Koh system does modulates frequency, which is vary at the rate of the modulating wave from amplitude, which is call phase modulation. Frequency Modulation is a common way of modulating frequencies and

is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use above teaching to Koh, in order to use different modulation method for reducing the interference and providing better performance.

Regarding **claims 21-22**, Koh does not specifically mention that the system comprising a telephone handset coupled to the first mixer, and decoding an incoming data signal from in-phase data, quadrate phase incoming data signal, and generating the outgoing data signal. However the examiner takes official notice that a communication system that comprising a telephone handset coupled to the first mixer, and decoding an incoming data signal from in-phase data, and quadrature phase incoming data signal, and generating the outgoing data signal is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching with Koh, in order to use different modulation method for reducing the interference and providing better performance.

6. **Claims 9, 16-18**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Koh et al. (US Patent Number 6,397,044 B1) in view of Bickley (US Patent Number 5,152,005).

Regarding **claims 9, 16**, Koh teaches a system wherein the transmitter comprises: a frequency modulator coupled to the local oscillator, wherein the local oscillator is modulated by the frequency modulator, a phase locked loop 33 coupled to the frequency modulator (modulation integrator) and the local oscillator 22. Koh system receives signal at a received frequency, and transmitter being operable to transmit at a transmission frequency, the transmitter frequency being offset from and aligned to, the received frequency by a predetermined frequency spacing (col 2 lines 50-53). Koh teaches in figure 1 mixer 32 is provided to downconvert the frequency of the signal output from the phase locked loop 33. It mixes signals at its two inputs to generate a

signal having a different frequency. One of the input is connected to the output of the phase locked loop 33 and the other is connected to the receiver local oscillator 22. The frequency 38 is used to switch the offset between the transmit and receive channels the modulator 40 modulates the baseband signal fbb onto the divided reference Fref/R. It is coupled to the input of the PLL and, to one of the inputs of the phase comparator 36. The modulation process introduces a delay or advance of the edge of the divided reference signal Fref/R by an amount relative to amplitude of the modulated signal. Koh method switches the transmitting and receiving cycle (col 5 lines 3-20). Koh fails to specifically mention that a switch coupled between the local oscillator and the phase locked loop, wherein the switch can couple the phase locked loop to the local oscillator during a transmit cycle and can decouple the phase locked loop from the local oscillator during a receive cycle. However Bickley teaches a synthesizer that switch 55 coupled between PLL 250 and a local oscillator 31, wherein the switch 55 can couple the phase locked loop 250 to the local oscillator 31 during a transmit cycle (see figures 1, 2 col 4 lines 4-11, col 8 lines 15-21) and can decouple the phase locked loop 250 from the local oscillator 31 during a receive cycle (see figures 1, 2, col 4 lines 67-68, col 5 lines 1-6). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Bickley with Koh, in order to reduce the LO leakage from the receiver to the antenna, for the purpose of reducing interference.

Regarding **claims 17-18**, Koh teaches method further comprising opening a phase locked loop 33 during the transmit cycle to lock the sub harmonic local oscillator 22 signal, phase modulating 40 a reference oscillator signal (vctxco) of a phase locked loop 33 that locks the sub harmonic local oscillator signal (see figure 1, col 4 lines 20-40).

***Response to Arguments***

7. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

8. **Any responses to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications indented for entry)

**Or:**

(703) 308-6306, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington, Va., sixth Floor (Receptionist).

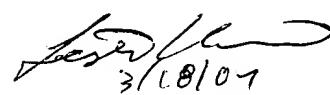
Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the technology Center 2600 Customer Service Office whose telephone  
number is (703) 306-0377.

Any inquiry concerning this communication or earlier communication from the examiner  
should be directed to Melody Mehrpour whose telephone number is (703) 308-7159. The  
examiner can normally be reached on Monday through Thursday (first week of bi-week) and  
Monday through Friday (second week of bi-week) from 6:30 a.m. to 5:00 p.m.

If attempt to reach the examiner are unsuccessful the examiner's supervisor, Marsha Banks-Harold be reached (703)305-4379.

NM

March 17, 2004



3/18/01

LESTER G. KINCAID  
PRIMARY EXAMINER